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Date of Deposit: April 16, 2007

BRINKS  
HOFER  
GILSON  
& LIONE

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Appln. of: Brovelli, et al.

Appln. No.: 10/774,092

Filed: February 6, 2004

For: METHOD OF AUGMENTING THE  
IMMUNE-MODULATORY ACTIVITY OF  
STANDARDIZED ECHINACEA  
PREPARATIONS

Examiner: Patricia A. Leith

Art Unit: 1655

Attorney Docket No: 3086/1734 (AM1150)

Mail Stop RCE  
Commissioner for Patents  
U.S. Patent and Trademark Office  
P. O. Box 1450  
Alexandria, VA 22313-1450

REQUEST FOR CONTINUED EXAMINATION (37 C.F.R. § 1.114)

Sir:

Applicant(s) requests continued examination of the above-identified application under 37 C.F.R. §1.114.

☒ Submission under 37 CFR 1.114 (check at least one of the following):

☒ Previously submitted:

- ☐ Applicant(s) requests nonentry of any previously-filed unentered amendments.
- ☒ Please enter and consider the Amendment After Final Under 37 C.F.R. §1.116 previously filed on 9 February 2007, a copy of which is included herewith.
- ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on \_\_\_\_\_
- ☐ Other: \_\_\_\_\_

☒ Attached is/are:

- ☐ An Information Disclosure Statement
- ☐ An Amendment to the written description, claims, or drawings
- ☐ New Arguments and/or New Evidence in support of Patentability
- ☒ Other: Communication Regarding Request for Continued Examination

☐ Request for suspension of action:

Applicant(s) hereby request suspension of action on the above-identified application under 37 C.F.R. §1.103(c) for a period of \_\_\_\_\_ months. (Period of suspension shall not exceed 3 months; requires Processing Fee under 37 C.F.R. §1.17(i)).

☐ Small Entity Status:

☐ Applicant hereby asserts entitlement to claim small entity status under 37 CFR §§ 1.9 and 1.27.

☐ A small entity statement or assertion of entitlement to claim small entity status was filed in prior application no. \_\_\_\_\_ / \_\_\_\_\_ and such status is still proper and desired.

☐ Is no longer desired.

☒ Applicant(s) calculate the following fees to be due in connection with this Request:

☒ A Request fee of \$790.00 under 37 C.F.R. §1.17(e).

☐ A suspension processing fee of \$\_\_\_\_\_ under 37 C.F.R. §1.17(i).

☐ An additional filing fee of \$\_\_\_\_\_ under 37 C.F.R. §1.16 (\_\_\_\_\_ additional independent claims and/or \_\_\_\_\_ additional total claims).

☒ An extension fee of \$120 under 37 C.F.R. §1.17(a) for a 1-month extension of time.

☒ Fee payment to cover the above-enumerated fee(s):

☐ A check in the amount of \$\_\_\_\_\_ is enclosed.

☒ Please charge Deposit Account No. 23-1925 (BRINKS HOFER GILSON & LIONE) in the amount of \$910.00. A copy of this Request is enclosed for this purpose.

☐ A payment by credit card in the amount of \$\_\_\_\_\_ (Form PTO-2038 is attached).

☒ The Commissioner is hereby authorized to charge payment of any additional filing fees required under 37 CFR § 1.16 and any patent application processing fees under 37 CFR § 1.17 associated with this paper (including any extension fee required to ensure that this paper is timely filed), or to credit any overpayment, to Deposit Account No. 23-1925 (BRINKS HOFER GILSON & LIONE). A copy of this Request is enclosed for this purpose.

Respectfully submitted,

C. Noel Kaman

C. Noel Kaman (Reg. No. 51,857)

April 16, 2007

Date



**Appl. No. 10/774,092**

**Request for Continued Examination mailed April 16, 2007**

**Reply to Office Action mailed December 14, 2006**

final rejection. MPEP 706.07(f). Specifically, the final rejection was mailed December 14, 2006 and Applicants' Amendment and Request for Reconsideration was mailed February 6, 2007 and filed February 9, 2007, five days before the two-month date of February 14, 2007. Applicants have included a copy of the Transaction History for this application evidencing these dates.

Thus, for purposes of calculating extension fees, Applicants respectfully submit that a petition for 1-month extension of time is due and that such an extension should cover any reply filed up April 30, 2007, the date that is 1-month after the mail date of the Advisory action. A petition for 1-month extension of time is filed herewith. In case any of Applicants' calculations are in error, Applicants have noted in the Request for Continued Examination that the Commissioner may charge payment of any additional filing fees to Deposit Account No. 23-1925.

Respectfully submitted,



C. Noel Kaman  
Registration No. 51,857  
Attorney for Applicant

BRINKS HOFER GILSON & LIONE  
P.O. BOX 10395  
CHICAGO, ILLINOIS 60610  
(312) 321-4200

<b>10/774,092</b>	<b>Method of augmenting the immune-modulatory activity of standardized Echinacea preparations</b>	<b>04-16-2007::10:31:28</b>
<b>Transaction History</b>		
<b>Date</b>	<b>Transaction Description</b>	
03-30-2007	Mail Advisory Action (PTOL - 303)	
03-29-2007	Advisory Action (PTOL-303)	
03-02-2007	Date Forwarded to Examiner	
02-09-2007	Amendment after Final Rejection	
01-25-2007	Correspondence Address Change	
01-25-2007	Change in Power of Attorney (May Include Associate POA)	
12-14-2006	Mail Final Rejection (PTOL - 326)	
12-11-2006	Final Rejection	
09-28-2006	Date Forwarded to Examiner	
09-22-2006	Response after Non-Final Action	
06-19-2006	Mail Non-Final Rejection	
06-12-2006	Non-Final Rejection	
04-21-2004	Information Disclosure Statement considered	
05-08-2006	Date Forwarded to Examiner	
05-02-2006	Response to Election / Restriction Filed	
04-07-2006	Mail Restriction Requirement	
04-03-2006	Requirement for Restriction / Election	
02-21-2006	Miscellaneous Incoming Letter	
06-28-2005	Case Docketed to Examiner in GAU	
02-07-2005	Rescind Nonpublication Request for Pre Grant Publication	
06-17-2004	IFW TSS Processing by Tech Center Complete	
06-17-2004	Case Docketed to Examiner in GAU	
04-21-2004	Reference capture on IDS	
04-21-2004	Information Disclosure Statement (IDS) Filed	
05-06-2004	Application Return from OIPE	
05-06-2004	Application Return TO OIPE	
05-05-2004	Application Return from OIPE	
05-06-2004	Application Is Now Complete	
02-06-2004	PGPubs nonPub Request	
05-06-2004	Pre-Exam Office Action Withdrawn	
05-05-2004	Application Return TO OIPE	
05-05-2004	Application Dispatched from OIPE	
05-06-2004	Application Is Now Complete	
03-17-2004	Cleared by OIPE CSR	
02-23-2004	IFW Scan & PACR Auto Security Review	
02-06-2004	Initial Exam Team nn	

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Serial No. 10/774,092  
Applicant: BROVELLI, ET AL.  
Client/Matter No.: 3086/1734

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Alexandria, VA 22313-1450



Please acknowledge receipt of the below identified:

Items Mailed: Transmittal Letter (in duplicate); Amendment and Request  
for Reconsideration; and a return receipt postcard.

BRINKS HOFER GILSON & LIONE  
By: CNK, Reg. No. 51,857  
Date of Mailing: February 6, 2007

**Applicant:** BROVELLI, ET AL.  
**Serial No.:** 10/774,092  
**Client/Matter:** 3086/1734 (AM1150)  
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**DUE DATE:** 03/14/07  
  
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